IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA.

RFA No.130 of 1997.

Date of Decision:December 07, 2007

Collector Land Acquisition & anr. ***…Appellants.***

Versus

Jagdish Chand & anr. ***…Respondents.***

Coram

The Hon'ble Mr. Justice Kuldip Singh,Judge

Whether approved for reporting?[1] No

For the appellants ***: Mr.M.S.Chandel, Advocate General with Mr.M.L.Chauhan, Addl.A.G.***

For the respondents ***: Mr.Ashwani K.Sharma, for respondent No.1.***

Kuldip Singh, Judge (Oral):

This appeal is directed against the award dated 5.8.1996 passed by learned District Judge, Mandi, Kullu and Lahaul-Spiti Districts at Mandi in Reference case No.102 of 1993.

2. The facts, in brief, are that Government of Himachal Pradesh through Public Works Department issued notification under Section 4 of the Land Acquisition Act, 1894 (for short 'the Act') for acquiring land for public purpose for construction of *Talyar – Parri Ratti* road which was published in Gazette on 10.10.1991. The Land Acquisition Collector (for short 'Collector') made the award on 17.8.1992. The respondents were

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[1] ***Whether reporters of Local Papers are allowed to see the Judgment***? Yes

aggrieved by the award of the Collector, therefore, they filed reference petition under Section 18 of the Act. The learned District Judge assessed the market value of the acquired land at Rs.15,000 per bigha as against Rs.10,000 per bigha awarded by the Collector. The learned District Judge awarded other statutory payments, solatium and interest more specifically mentioned in the impugned award. The award of learned District Judge has been assailed by way of this appeal.

3. I have heard Mr.M.S.Chandel, learned Advocate General, for the State and Mr.Ashwani Kumar Sharma, learned counsel for respondent No.1 and gone through the record.

4. The learned Advocate General has submitted that learned District Judge has awarded excess compensation to the respondents. The material on record has not been properly appreciated. Mr.Ashwani Kumar Sharma, learned counsel for respondent No.1, has supported the impugned award. The acquired land of the respondents is 8 biswas 7 biswansis. The Collector has allowed flat rate at the rate of Rs.10,000 per bigha irrespective of the classification of the land. The learned District Judge has considered sale deed Ext.PW-3/A dated 18.1.1991 and after taking into consideration plus and minus factors has assessed the market value of the acquired land at Rs.15,000 per bigha instead of Rs.10,000 per bigha awarded by the Collector. The learned District Judge has just given increase of Rs.5000 per bigha which comes to Rs.250 per biswa. The acquired land of the respondents is only 8 biswas 7 biswansis and increase given by the learned District Judge for this land comes to Rs.2087.50. However, the learned District Judge has awarded other statutory payments, solatium and interest on the compensation. It

has been submitted that interest has been wrongly awarded from January 1975. The appellant cannot raise any grievance for award of interest from January 1975 inasmuch as Collector, who is the representative of the State, has also awarded the interest from January 1975. In any case, the amount involved in the appeal is very meager, in fact the appellants should not have filed the appeal and wasted the public money for such paltry increase.

5. The result of the above discussion, appeal is dismissed with no orders as to costs.

December 07, 2007 ***(Kuldip Singh), J.***

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